

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRENDA MORRIS and RANDY MORRIS, a  
marital community,

Plaintiffs,

v.

EQUITIES FIRST HOLDINGS, LLC, a  
Delaware limited liability company; and  
ALEXANDER C. CHRISTY, JR., an  
individual,

Defendants.

Case No. C08-5126RJB

ORDER ON PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION  
AND ACCOUNTING

This matter comes before the court on the above-referenced motion (Dkt. 4). The court has read and considered all pleadings, declarations and other court papers on file in regard to this motion and heard the arguments of counsel by teleconference. It appears from the showings made that the court should deny the Motion for Preliminary Injunction and grant the Motion for an Accounting for the following reasons:

The court is not satisfied that an injunction would be successful in preserving a status quo that would protect the plaintiff, or that would prevent the possibility of irreparable injury. Furthermore, plaintiffs have not established that the balance of hardship tips sharply in their favor.

1 Plaintiffs have made a demand for an accounting under the Uniform Commercial Code, RCW  
2 62A.9A-210, by letter. *See* Exhibits A & B to the Declaration of Malcolm C. Lindquist (Dkt. 6).  
3 The defendants have not responded. The information requested arguably may go beyond that  
4 specifically required by RCW 62A.9A-210(b)(2), but the information requested is all discoverable  
5 and plaintiffs are entitled to full information regarding plaintiffs' pledged collateral. Equity requires  
6 that defendants fully account to plaintiffs for the pledged collateral so that both parties can proceed  
7 with this litigation with full knowledge of the status of the pledged collateral. Therefore, it is now

8 ORDERED that Plaintiffs' Motion for a Preliminary Injunction is DENIED. It is further

9 ORDERED that defendants shall provide an accounting in equity and under the Washington  
10 Uniform Commercial Code, within 14 days, that identifies and describes in detail:

11 (a) the current custodian, repository, ownership and number of the pledged shares defendants  
12 possess or have the right to possess;

13 (b) the current, custodial, repository, ownership and amount of the any pledged collateral  
14 other than the pledged shares, and

15 (c) each and every transaction or disposition of, or involving or affecting some or all of the  
16 pledged shares or the pledged collateral in any way, including, but not limited to, any hedge, pledge,  
17 deposit, transfer, exchange or sale transaction, alteration or revision to the ownership of the pledged  
18 shares or pledged collateral, and for those portions of the pledged collateral and pledged shares that  
19 may have been sold by defendants, the amounts received therefore, and the current location and  
20 amount of any funds received therefore.

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1 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of  
2 record and to any party appearing *pro se* at said party's last known address.

3 DATED this 3<sup>rd</sup> day of April, 2008.

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5 ROBERT J. BRYAN  
6 United States District Judge  
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